

**EMERGENCY ORDINANCE TO EXTEND A MORATORIUM ON
ANIMATED SIGNS, ELECTRONIC SIGNS, AND LED SIGNS**

CITY OF WOODSTOCK, GEORGIA

WHEREAS, the City of Woodstock (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

WHEREAS, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly;¹ and

WHEREAS, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto;² and

1 Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.

2 O.C.G.A. '36-35-3(a) provides as follows:

(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.

WHEREAS, the City determined that Animated Signs, Electronic Signs, and LED Signs have the potential to create visual clutter and blight along the various thoroughfares, distract drivers, and deteriorate the aesthetic environment, and

WHEREAS, Animated Sign is hereby defined as any Sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene; and

WHEREAS, Electronic Sign is hereby defined as any Sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign and includes any Electronic Sign kept constant in intensity when in use, which does not exhibit sudden or marked changes in lighting effects.

WHEREAS, LED Sign is hereby defined as an electronically controlled Sign utilizing light-emitting diodes to form the Sign message; and

WHEREAS, Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. Also, the above, when near the inside surface of a window in such a way as to be in the view of the general public and used or intended to be used to attract attention or convey information to the public; and

WHEREAS, it is the purpose of this Emergency Ordinance to extend the Animated Signs, Electronic Signs, and LED Signs moratorium adopted by City Council on December 14, 2016, to promote the health, safety, morale and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the proliferation of and unfettered spread of Animated Signs, Electronic Signs, and LED Signs throughout the City. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials or regulating the content of any Sign. Similarly, it is not the intent nor effect of this article to restrict any expression protected by the First Amendment.

WHEREAS, the governing body of the City has determined that it is in the best interest of the City and its citizens to extend the moratorium past the original expiration date of March 14, 2016; and

WHEREAS, an emergency exists as to the lack concise controls over the regulation of Animated Signs, Electronic Signs, and LED Signs in the ordinances of the City; and

WHEREAS, the Mayor and Council of the City are concerned that the life, safety and well being of the citizens of the City could be negatively impacted thereby; and

NOW THEREFORE, the Mayor and the Council of the City of Woodstock hereby ordains that the temporary moratorium is hereby extended and continues to be imposed on the acceptance of permit applications or requests for Animated Signs, Electronic Signs, and LED Signs within the City of Woodstock, Georgia. No plans shall be accepted by the staff of the City for Animated Signs, Electronic Signs, and LED Signs within the City for approval from this date

forth until June 14, 2016. It is anticipated that this moratorium shall last until June 14, 2016, but it is subject to change by the Mayor and Council. During the time this moratorium is in place the City staff is hereby directed to review the City's ordinances with respect to Animated Signs, Electronic Signs, and LED Signs and propose appropriate revisions thereto.

This Emergency Ordinance to Impose a Moratorium on Animated Signs, Electronic Signs, and LED Signs is effective immediately and shall remain in force until June 14, 2016.

This 22 day of February, 2016.


RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK


DONNIE HENRIQUES, MAYOR
CITY OF WOODSTOCK, GEORGIA

Approved as to form:


ELDON L. BASHAM
CITY ATTORNEY

DATE ADOPTED: 2-22-16, effective 2-23-16.

For Second Reading and Re-adoption 3-14-16.